

## **REMARKS**

The following remarks are fully and completely responsive to the Office Action dated November 17, 2005. Claims 1, 2 and 4-16 are pending in this application. In the outstanding Office Action, claims 1, 2 and 4-16 were rejected under 35 U.S.C. § 103(a) (two different rejections). No new matter has been added. Claims 1, 2 and 4-16 are presented for reconsideration.

### **35 U.S.C. § 103(a)**

Claims 1, 2 and 5-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi (JP 02003075527A) in view of Ran et al. (U.S. Patent No. 6,209,026 B1, "Ran"). In making this rejection, the Office Action asserts that the combination of these two references teaches and/or suggests the claimed invention. The Office Action also asserts that one of ordinary skill in the art would combine these two references. Applicants disagree and respectfully request reconsideration of this rejection.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of Ran, and further in view of DeLorme et al. (U.S. Patent No. 5,559,707, "DeLorme"). In making this rejection, the Office Action asserts that the combination of these three references teaches and/or suggests the claimed invention. The Office Action also asserts that one of ordinary skill in the art would combine these three references.

Kobayashi is a Japanese patent application that was first published on March 12, 2003. In contrast, the present application was filed in the United States on July 29,

1998 and claims priority to a Japanese patent application that was filed on July 31, 1997. Consequently, the present application was filed approximately five years prior to the publication of Kobayashi. Therefore, Kobayashi is not a proper prior art reference.

Both rejections under 35 U.S.C. § 103(a) relied on Kobayashi. Therefore, Applicants respectfully request reconsideration of the rejection of claims 1, 2 and 4-16 under 35 U.S.C. § 103(a) (two different rejections).

### **Conclusion**

Applicants' remarks have overcome the rejections set forth in the Office Action dated November 17, 2005. Specifically, Applicants' remarks have removed Kobayashi as a proper prior art reference and thus overcome the rejections of claims 1, 2 and 4-16 under 35 U.S.C. § 103(a) (two different rejections). Accordingly, claims 1, 2 and 4-16 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 1, 2 and 4-16.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300, making reference to attorney docket number 107439-08005.

Respectfully submitted,  
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